### McNair Law Firm, p.a.

ATTORNEYS AND COUNSELORS AT LAW

11<sup>th</sup> Floor, Bank of America Tower Post Office Box 11390 1301 Gervais Street (29201) COLUMBIA, SOUTH CAROLINA 29211



January 30, 2001

The Honorable Gary E. Walsh Executive Director South Carolina Public Service Commission Koger Center, Saluda Building 101 Executive Center Drive Columbia, South Carolina 29210



Re: Application of SCANA Communications, Inc. for a Certificate of Public Convenience and Necessity to Provide Any and All Intrastate Local Exchange, Exchange Access, and Interexchange Telecommunications Services within the State of South Carolina on a Resold and Facilities Basis (SCPSC Docket No. 2000-536-C)

Dear Mr. Walsh:

Please find enclosed for filing on behalf of the South Carolina Telephone Coalition (the "Coalition") an original and ten (10) copies of an executed Stipulation between the Coalition and the Applicant, in the above-referenced docket. By copy of this letter, I am serving all parties of record.

Please clock in a copy and return it with our courier.

Thank you for your assistance.

Very truly yours,

Margaret M. Fox

**Enclosures** 

cc: B. Craig Collins, Esquire



# BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

Docket No. 2000-NUMBER-C

Docket No. 2000-536-C

JAN 3 0 2001

Re: Application of SCANA Communications, Inc. for a Certificate of Public Convenience and Necessity to Provide Any and All Intrastate Local Exchange, Exchange Access, and Interexchange Telecommunications Services within the State of South Carolina on a Resold and Facilities Basis

STIPULATION

RETURN DATE: ON SERVICE:

The South Carolina Telephone Coalition ("SCTC") (see attachment "A" for list of companies) and SCANA Communications, Inc. ("SCANA") hereby enter into the following stipulations. As a consequence of these stipulations and conditions, SCTC does not oppose SCANA' Application. SCTC and SCANA stipulate and agree as follows:

- 1. SCTC does not oppose the granting of a statewide Certificate of Public Convenience and Necessity to SCANA, provided the South Carolina Public Service Commission ("Commission") makes the necessary findings to justify granting of such a certificate, and provided the conditions contained within this stipulation are met.
- 2. SCANA stipulates and agrees that any Certificate which may be granted with respect to local exchange and exchange access service will authorize SCANA to provide such service only to customers located in non-rural local exchange company ("LEC") service areas of South Carolina, except as provided herein.

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- 3. SCANA stipulates that it is not asking the Commission to make a finding at this time regarding whether competition is in the public interest for rural areas.
- 4. SCANA stipulates and agrees that it will not provide any local service, by its own facilities or otherwise, to any customer located in a rural incumbent LEC's service area, unless and until SCANA provides such fural incumbent LEC and the Commission with written notice of its intent to do so at least thirty (30) days prior to the date of the intended service. During such notice period, the rural incumbent LEC will have the opportunity to petition the Commission to exercise all rights afforded it under Federal and State law. Also, SCANA acknowledges that the Commission may suspend the intended date for service in rural LEC territory for ninety (90) days while the Commission conducts any proceeding incident to the Petition or upon the Commission's own Motion, provided that the Commission can further suspend the implementation date upon showing of good cause.
- 5. SCANA stipulates and agrees that, if SCANA gives notice that it intends to serve a customer located in a rural incumbent LEC's service area, and either (a) the Commission receives a Petition from the rural incumbent LEC to exercise its rights under Federal or State law within such 30-day period, or (b) the Commission institutes a proceeding of its own, then SCANA will not provide service to any customer located within the service area in question without prior and further Commission approval.
- 6. SCANA acknowledges that any right which it may have or acquire to serve a rural telephone company service area in South Carolina is subject to the conditions contained herein, and to any future policies, procedures, and guidelines relevant to such proposed service which the Commission may implement, so long as such policies, procedures, and guidelines do not conflict with Federal or State law.
- 7. The parties stipulate and agree that all rights under Federal and State law are reserved to the rural incumbent LECs and SCANA, and this Stipulation in no way suspends or

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adversely affects such rights, including any exemptions, suspensions, or modifications to which they may be entitled.

- 8. SCANA agrees to abide by all State and Federal laws and to participate, to the extent it may be required to do so by the Commission, in the support of universally available telephone service at affordable rates.
- 9. SCANA hereby amends its application and its prefiled testimony in this docket to the extent necessary to conform with this Stipulation.

AGREED AND STIPULATED to this 29th day of Janua

SCANA Communications, Inc.:

B Craig Collins

Willoughby & Hoefer, P.A.

PO Box 8416

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1022 Calhoun St.

Columbia, South Carolina 29202-8416

(803) 252-3300

Attorneys for SCANA Communications, Inc.

South Carolina Telephone Coalition:

M. John Bowen, Jr.

Margaret M. Fox

McNair Law Firm, P.A.

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Columbia, South Carolina 29211

(803) 799-9800

Attorneys for the South Carolina Telephone Coalition

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#### ATTACHMENT A

## South Carolina Telephone Coalition Member Companies for Purposes of Local Service Stipulation

ALLTEL South Carolina, Inc.

Chesnee Telephone Company

Chester Telephone Company

Farmers Telephone Cooperative, Inc.

Ft. Mill Telephone Company

Heath Springs Telephone Company Inc.

Hôme Telephone Company, Inc.

Lancaster Telephone Company

Lockhart Telephone Company

McClellanville Telephone Company

Norway Telephone Company

Palmetto Rural Telephone Cooperative, Inc.

Piedmont Rural Telephone Cooperative, Inc.

Pond Branch Telephone Company

Ridgeway Telephone Company

Rock Hill Telephone Company

Sandhill Telephone Cooperative, Inc.

St. Stephen Telephone Company

West Carolina Rural Telephone Cooperative, Inc.

Williston Telephone Company

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#### BĒFOŘÉ THE PUBLIČ SERVICE COMMISSION OF SOUTH CAROLINA

Docket No. 2000-NUMBER-C

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JAN 3 0 2001

Re: Application of SCANA Communications, Inc. )
for a Certificate of Public Convenience and )
Necessity to Provide Any and All Intrastate )
Local Exchange, Exchange Access, and )
Interexchange Telecommunications Services )
within the State of South Carolina on a Resold )
and Facilities Basis )

CERTIFICATE OF SERVICE

I, ElizaBeth A. Blitch, do hereby certify that I have this date served one (1) copy of the foregoing Stipulation upon the following party of record by causing said copy to be deposited with the United States Mail, first class postage prepaid to:

B. Craig Collins, Esquire Willoughby & Hoefer, P.A. Post Office Box 8416 Columbia, South Carolina 29202-8416.

ElixaBeth A. Blitch, Legal Assistant

McNair Law Firm, P.A. Post Office Box 11390

Columbia, South Carolina 29211

(803) 799-9800

January 30,2001

Columbia, South Carolina